

# EXHIBIT H

**SIPC v BLMIS-CONFIDENTIAL**

**Bongiorno 7/8/2016**

**CONFIDENTIAL**

Page 1

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

Adv. Pro. No. 08-01789(SMB)

SIPA Liquidation  
(Substantially consolidated)

SECURITIES INVESTOR PROTECTION  
CORPORATION,

PLAINTIFF,

-vs-

BERNARD L. MADOFF INVESTMENT  
SECURITIES, LLC,  
DEFENDANT.

IN RE:  
BERNARD L. MADOFF,

DEBTOR.

CONFIDENTIAL

REALTIME DEPOSITION OF  
ANNETTE BONGIORNO

Pages 1 through 270

Friday, July 8, 2016  
8:34 a.m. to 3:15 p.m.

Federal Correctional Institution Coleman Medium  
846 NE 54th Terrace  
Sumterville, Florida 33521

Stenographically Reported By:  
Elizabeth A. Speer, CRR, RMR, FPR,  
Realtime Systems Administrator

**BENDISH REPORTING**  
**877.404.2193**

**CONFIDENTIAL**

Page 2

1 APPEARANCES:

2 On behalf of Irving H. Picard, Trustee for the  
3 Substantively Consolidated SIPA Liquidation of  
4 BLMIS and the Estate of Bernie L. Madoff:

5 BakerHostetler  
6 45 Rockefeller Plaza  
7 New York, New York 10111-0100  
8 (212) 589-4230  
9 BY: SEANNA R. BROWN, ESQUIRE  
10 AMY VANDERWAL, ESQUIRE  
11 sbrown@bakerlaw.com  
12 avanderwal@bakerlaw.com

13 On behalf of Aaron Blecker and other Madoff customers:

14 Chaitman, LLP  
15 465 Park Avenue  
16 New York, New York 10022  
17 (888) 759-1114  
18 BY: HELEN DAVIS CHAITMAN, ESQUIRE  
19 GREGORY M. DEXTER, ESQUIRE  
20 hchaitman@chaitmanllp.com  
21 gdexter@chaitmanllp.com

22 On behalf of Annette Bongiorno:

23 Sercarz & Riopelle, LLP  
24 810 Seventh Avenue, Suite 620  
25 New York, New York 10019  
(212) 586-4900  
BY: ROLAND G. RIOPELLE, ESQUIRE  
mriopelle@sercarzandriopelle.com

**CONFIDENTIAL**

Page 3

1 I N D E X

2

TESTIMONY OF: ANNETTE BONGIORNO

3

Direct Examination by Ms. Brown	5
Cross Examination by Ms. Chaitman	145
Redirect Examination by Ms. Brown	263

5

6

CERTIFICATE OF OATH	267
---------------------	-----

7

CERTIFICATE OF REPORTER	268
-------------------------	-----

8

READ & SIGN LETTER	269
--------------------	-----

9

ERRATA SHEET	270
--------------	-----

10

\* \* \* \* \*

11

12

E X H I B I T S

13

Trustee Exhibit No. 67

14

Order authorizing the deposition of federal  
prisoner Annette Bongiorno with certain  
limitations

6

15

16

Trustee Exhibit No. 68

Order authorizing second deposition of  
federal prisoner Annette Bongiorno

6

17

18

Trustee Exhibit No. 69

2/28/87 Blecker account 100254-10  
ledger sheet MF00057516

97

19

20

Trustee Exhibit No. 70

Composite of Blecker account 100254-10  
December 1986, '87, '88, '89, '90, '91  
statements MF00067077, MF00063864,  
MF00529912, MF00052809, MF00024487,  
MF00472955

101

21

22

23

Trustee Exhibit No. 71

9/30/84 Blecker account 100215-10  
ledger sheet MF00151754

107

24

25

**CONFIDENTIAL**

Page 4

1 EXHIBITS CONTINUED:

2 Trustee Exhibit No. 72

7/31/91 Blecker account 100215-10

3 ledger sheet MF00483413

109

4 Bongiorno Exhibit No. 1

Amended consent preliminary order of

5 forfeiture as to specific property/money

judgment

182

6

7

8

PREVIOUSLY MARKED EXHIBITS:

9

Exhibit No. 23

63

10 Exhibit No. 27

71

Exhibit No. 28

71

11 Exhibit No. 29

71

Exhibit No. 36

86

12 Exhibit No. 37

116

Exhibit No. 38

117

13 Exhibit No. 39

111

Exhibit No. 40

115

14 Exhibit No. 41

90

Exhibit No. 42

104

15 Exhibit No. 44

118

Exhibit No. 45

120

16 Exhibit No. 46

121

Exhibit No. 49

128

17 Exhibit No. 61

43

Exhibit No. 62

46

18

19

20

21

22

23

24

25

**CONFIDENTIAL**

Page 182

1 back?

2 A. I don't know.

3 Q. You don't know how much?

4 A. No, I don't know how much that is.

5 Q. Well --

6 A. I know it's a fraction of what he had there,  
7 but I don't know how much that is. I'm not sure.

8 MS. CHAITMAN: Do we have extra copies  
9 of this?

10 MR. DEXTER: We have.

11 MS. CHAITMAN: Can we hand them out?

12 MR. DEXTER: Sure.

13 MS. CHAITMAN: Why don't we mark this.

14 MS. BROWN: We're up to Exhibit 68.

15 (Marked for identification

16 as Bongiorno Exhibit No. 1)

17 (Discussion off the record)

18 BY MS. CHAITMAN:

19 Q. Miss Bongiorno, we took a break and we've  
20 marked as Exhibit 1, Bongiorno Exhibit 1, the Amended  
21 Consent Preliminary Order of Forfeiture as to specific  
22 property/money judgment that was entered in your  
23 criminal case.

24 Have you seen this document before?

25 A. Some of it looked familiar. I mean, I

**SIPC v BLMIS-CONFIDENTIAL**

**Bongiorno 7/8/2016**

**CONFIDENTIAL**

Page 183

1 haven't looked over the whole thing. Some of it.

2 Q. Take your time. I just want -- I want you to  
3 be sure this is a document you've seen before.

4 A. I remember some of this. Like on page 3, I  
5 remember all of this, 3, 4, 5, 6.

6 Q. Okay. So let's go through this. If we start  
7 on page 3 it recites that a forfeiture money judgment  
8 was entered against you in the amount of \$155 billion;  
9 right?

10 A. Uh-huh.

11 Q. Okay. Then it says that the -- it lists a  
12 number of assets that you have, starting with A, which  
13 says all funds on deposit in six different accounts in  
14 your name or your husband's name at CitiBank.

15 A. That's all familiar to me, yeah.

16 Q. And then Exhibit B, excuse me, subparagraph B  
17 is accounts at Smith Barney in your name and your  
18 husband's name; right?

19 A. Uh-huh.

20 MR. RIOPELLE: You have to answer out  
21 loud.

22 A. Yes.

23 Q. Exhibit C is an E\*trade brokerage account in  
24 your husband's name?

25 A. Right.

**SIPC v BLMIS-CONFIDENTIAL**

**Bongiorno 7/8/2016**

**CONFIDENTIAL**

Page 184

1 Q. And D is a TD Bank account?

2 A. Uh-huh.

3 Q. And E is an account -- another account at TD  
4 Bank. You see that?

5 A. Uh-huh.

6 Q. F is JP Morgan Chase Bank accounts.  
7 Do you see that?

8 A. Yes.

9 Q. And then G is --

10 A. That's a joint one.

11 Q. Okay.

12 A. Yeah.

13 Q. And G is New York Community Bank, Roslyn  
14 Savings Bank?

15 A. That's right.

16 Q. Then you had another bank account at Astoria  
17 Federal Savings and Loan?

18 A. Right.

19 Q. Then you had another one at Dime Savings  
20 Bank?

21 A. Uh-huh.

22 Q. Then you had the Fidelity account. That's  
23 the one you mentioned; right?

24 A. Right. You notice they're all banks? Those  
25 are all banks that are mine.

**BENDISH REPORTING**

**877.404.2193**



**CONFIDENTIAL**

Page 185

1 Q. Yeah. You put a lot of money in bank  
2 accounts.

3 A. Not brokerage firms.

4 Q. Right. Then there was a certificate of  
5 deposit at Apple; right?

6 A. Right.

7 Q. Then you had some money held by your  
8 attorney; right?

9 A. Uh-huh.

10 Q. Okay. And then you had real property in Boca  
11 Raton; right?

12 A. Right.

13 Q. And real property in Manhasset?

14 A. Right.

15 Q. And a Bentley, a Mercedes, another Mercedes.

16 A. Uh-huh.

17 Q. Then approximately 1.3 million that was held  
18 by Chicago Title.

19 A. Right. Chicago Title. I don't remember what  
20 that is.

21 Q. It's a reference to Unit 607. Is that --

22 A. Oh. That was -- okay. Yes. I know what  
23 that is.

24 Q. What is that?

25 A. It's an apartment we were buying that ended

**CONFIDENTIAL**

Page 186

1 up -- we had to cancel it.

2 Q. Okay. And then you had money, about half a  
3 million dollars in HSBC. Do you see that?

4 A. That's right.

5 Q. And then you had money at Ameritrade?

6 A. Right.

7 Q. And then you had some money at CitiBank?

8 A. Right.

9 Q. And then SunTrust?

10 A. Right.

11 Q. And then you had an equity interest in Castle  
12 Arch Real Estate Company?

13 A. That was the -- that's right.

14 Q. What was that?

15 A. That was something -- I don't know. My  
16 husband -- it was really -- I don't know why my name  
17 was on that. That was his thing. But okay.

18 Q. Was it a real estate investment?

19 A. Castle Arch? I don't even know what that  
20 was, to be honest with you. It was his baby. I don't  
21 think it's worth anything today. Is it? I don't know.

22 Q. And then there was a -- you had a life  
23 insurance policy?

24 A. Right.

25 Q. And then you had a safety deposit box with

**CONFIDENTIAL**

Page 187

1 jewelry in it?

2 A. Right.

3 Q. At Roslyn Savings Bank?

4 A. Uh-huh.

5 Q. You had one at TD Bank? You had a jewelry  
6 deposit box?

7 A. Yes.

8 Q. Then you had a bunch of watches; is that  
9 right?

10 A. Right.

11 Q. And the Trustee claimed that you were liable  
12 to the estate for about \$23 million; isn't that right?

13 A. I don't remember, but --

14 Q. Take a look at page 7. It's the third  
15 whereas.

16 A. I was liable for \$23 million?

17 Q. "The Trustee alleges that the Defendant,  
18 Annette Bongiorno, is liable to the BLMIS estate for  
19 the receipt of avoidable and recoverable transfers -- "

20 A. I guess if he says so, yeah.

21 Q. -- "the aggregate amount of 22,909,000."  
22 Do you see that?

23 A. Uh-huh. Yeah.

24 Q. Now, this was a settlement agreement that was  
25 entered into by the US Attorney and the Trustee and you

**CONFIDENTIAL**

Page 188

1 and your husband; right?

2 A. Okay. I guess so.

3 Q. And under the settlement agreement your  
4 husband got certain property back; right?

5 A. I -- I'm not really sure what he's getting  
6 back, but --

7 Q. Take a look at -- you signed this document;  
8 didn't you?

9 A. Did I sign this document? I don't know.

10 Q. Well, take a look.

11 A. Okay. I signed the document. So yes, this  
12 is his thing. I didn't read it all, to be honest with  
13 you.

14 Q. Okay. Your husband signed this, if you look  
15 at page 27, on June 20th.

16 A. Okay.

17 Q. Okay?

18 A. Uh-huh.

19 Q. And --

20 MS. BROWN: Just want to point out for  
21 the record I think it's actually the 10th,  
22 because the judge signed it on the 14th.

23 MS. CHAITMAN: Look at page 27. Maybe  
24 I'm misreading it, but it looks like --

25 MS. BROWN: The copy you've given me

**CONFIDENTIAL**

Page 189

1 doesn't have page 27. It does look like the  
2 20th; I agree with you. But Judge Swain  
3 signed it on the 14th, and it was entered on  
4 the criminal docket on June 14th.

5 MS. CHAITMAN: Okay.

6 BY MS. CHAITMAN:

7 Q. So it was signed by your husband after  
8 June 6th when you took the Fifth Amendment; right?

9 A. I guess so. I guess so. Yes. That's what  
10 it looks like.

11 Q. Okay. And pursuant to this agreement there  
12 were certain accounts that were released to your  
13 husband; right? And certain assets that were released  
14 to him?

15 A. That will be, yes.

16 Q. Right.

17 A. I don't know if it was released yet or not.

18 Q. Okay. And I just want to find the paragraph  
19 where they list the property that was released to your  
20 husband.

21 MS. CHAITMAN: Do you see that paragraph  
22 where the stuff was released?

23 Q. If you look on page -- beginning on page 9.

24 A. Okay.

25 Q. At the bottom of the page it says, "Whereas,

**CONFIDENTIAL**

Page 190

1 for purposes of this settlement, the parties agree that  
2 upon entry of a final order of forfeiture, the E\*trade  
3 account and SunTrust account shall be subdivided as  
4 follows."

5 Then it says, "Rudy Bongiorno shall retain  
6 the shares of stock set forth in schedule A attached  
7 hereto," the release stocks?

8 A. I'm sorry. On page 9 it says that?

9 MR. RIOPELLE: She is asking you about  
10 what's at the bottom here.

11 THE WITNESS: Okay, yeah. Shall be  
12 subdivided. And Rudy shall retain shares.  
13 Okay. What about it? What's the question?

14 MR. RIOPELLE: Just that's what it says;  
15 right?

16 THE WITNESS: That's what it says.

17 BY MS. CHAITMAN:

18 Q. This agreement provides that your husband  
19 gets to keep certain assets that the Trustee was  
20 claiming; isn't that true?

21 MS. BROWN: Objection.

22 Q. Is that what you -- you didn't understand  
23 that when you --

24 A. Honestly, I didn't read this. I don't even  
25 care about this. But -- so I'm not trying to be -- you

**CONFIDENTIAL**

Page 191

1 know, I just didn't read it. They told me -- between  
2 my husband and my lawyer said I can go ahead and sign  
3 it, I signed it.

4 I'm not a hundred percent sure what you're  
5 getting at. I'm not a hundred percent sure of your  
6 question. The only thing I do know that was explained  
7 to me was what I said to you before, that we owe  
8 Mr. Picard a certain amount of money. He will get that  
9 money, but he will get it from the government and  
10 that's all I, you know, that's all I know. How it  
11 works, why it works, I don't know.

12 Q. Okay. But this agreement says he doesn't get  
13 it from the government. He gets it from stocks that  
14 Mr. Picard is releasing to him; isn't that true?

15 MS. BROWN: Objection.

16 MR. RIOPELLE: I'm not sure what that  
17 question means.

18 Q. I don't know either. I thought the  
19 government was holding the stock.

20 MR. RIOPELLE: Just to cut to the chase,  
21 do you understand that Rudy gets to keep some  
22 of his stocks as a result of this agreement?

23 THE WITNESS: Yeah. Yeah. That I --  
24 that I understand, yes.

25

**CONFIDENTIAL**

Page 192

1 BY MS. CHAITMAN:

2 Q. And it's about \$3 million worth of assets  
3 that he's keeping; isn't that true?

4 A. Yeah. I do know that.

5 Q. And in return, you've agreed to cooperate  
6 with the Trustee; isn't that true?

7 A. Yes.

8 Q. Okay. And your testimony is the way that  
9 you're cooperating with the Trustee; isn't that true?

10 A. That's correct. Honesty to both of you.

11 Q. I'm sorry?

12 A. To give my honest answer to both of you, all  
13 of you.

14 Q. Okay. And you understand that you're under  
15 oath; right?

16 A. Yes.

17 Q. Now, you testified that Mr. Madoff would meet  
18 with the customers when the accounts were set up.

19 A. Uh-huh.

20 Q. And that there would be an understanding as  
21 to whether the profit withdrawals would be sent to the  
22 customer?

23 A. Correct.

24 Q. And that that would then be communicated to  
25 you by Mr. Madoff; is that right?



**CONFIDENTIAL**

Page 268

1 CERTIFICATE OF REPORTER

2 THE STATE OF FLORIDA )

3 COUNTY OF SUMTER )

4

5 I, ELIZABETH A. SPEER, CRR, RMR, FPR, RSA, certify that  
6 I was authorized to and did stenographically report the  
7 deposition of ANNETTE BONGIORNO, pages 5 through 266; that a  
8 review of the transcript was requested; and that the  
9 transcript is a true and complete record of my stenographic  
10 notes.

11 I further certify that I am not a relative, employee,  
12 attorney, or counsel of any of the parties, nor am I a  
13 relative or employee of any of the parties' attorney or  
14 counsel connected with the action, nor am I financially  
15 interested in the action.

16

17 DATED this 11th day of July, 2016.

18

19

20

21 ELIZABETH A. SPEER  
22 Certified Realtime Reporter  
23 Registered Merit Reporter  
24 Florida Professional Reporter  
25 Realtime Systems Administrator

23

24

25